

EXHIBIT E

From: [Heather Kliebenstein](#)
To: [Fleming, Terrence](#)
Cc: [Janus, Leah](#); [Pham, Christopher](#); "[15081.0008USZA.active@ef.merchantgould.com](#)"; [Allen Hinderaker](#); [Joe Dubis, Ph.D.](#)
Subject: RE: FICO v. Federal - Depositions
Date: Tuesday, February 4, 2020 10:23:00 AM

Terry, following up again. Please also provide dates for the following witnesses:

- Andrea Phillips
- Paul Johnston
- Runesh Roy
- Mike Hutchinson

We have now asked for depositions of all of the late identified 16 witnesses except Mr. Harkin and Ms. Jerd (we reserve the right to seek their deposition). In early January, we did not originally seek depositions of all of the 16 witnesses because we wanted to proceed economically and make decisions about whether further depositions were needed in view of the testimony of the originally noticed witnesses. However, we have now been trying to schedule depositions for a month. Given the difficulty in scheduling, our only choice is to get all potential depositions either scheduled or a commitment that the witnesses will not come to trial. If we cannot get a commitment as to dates or that the witnesses will not come to trial by the end of this week, we will be filing a renewed motion to strike.

Heather

From: Heather Kliebenstein
Sent: Monday, February 3, 2020 10:52 AM
To: Fleming, Terrence <TFleming@fredlaw.com>
Cc: Janus, Leah <LJanus@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; '15081.0008USZA.active@ef.merchantgould.com' <15081.0008usza.active@ef.merchantgould.com>; Allen Hinderaker <AHinderaker@merchantgould.com>; JDubis@MerchangGould.com
Subject: RE: FICO v. Federal - Depositions

Terry, following up on this request.

Best,

Heather

From: Heather Kliebenstein
Sent: Friday, January 31, 2020 9:40 AM
To: Fleming, Terrence <TFleming@fredlaw.com>
Cc: Janus, Leah <LJanus@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; '15081.0008USZA.active@ef.merchantgould.com'

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<AHinderaker@merchantgould.com>; JDubis@MerchangGould.com
Subject: RE: FICO v. Federal - Depositions

Terry, following up on this request.

Best,

Heather

From: Heather Kliebenstein
Sent: Monday, January 27, 2020 4:37 PM
To: Fleming, Terrence <TFleming@fredlaw.com>
Cc: Janus, Leah <LJanus@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>;
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<15081.0008usza.active@ef.merchantgould.com>; Allen Hinderaker
<AHinderaker@merchantgould.com>; JDubis@MerchangGould.com
Subject: RE: FICO v. Federal - Depositions

Terry, thank you for your email.

Please confirm that Stuart Fisher and Chase McCarthy are stricken from Federal's Second Supplemental Initial Disclosures and will not be brought to trial as witnesses. The use of the ambiguous phrase "we do not anticipate calling...." does not provide clarity on whether Messrs. McCarthy or Fisher will appear at trial or not. If Federal cannot make this commitment now, we maintain our request for depositions of McCarthy and Fisher.

Further, in addition, please provide dates for the following witnesses:

- Mencke
- Theberge
- Garnes

Best,

Heather

From: Fleming, Terrence <TFleming@fredlaw.com>
Sent: Friday, January 24, 2020 5:21 PM
To: Heather Kliebenstein <HKliebenstein@merchantgould.com>; Allen Hinderaker
<AHinderaker@merchantgould.com>; JDubis@MerchangGould.com
Cc: Janus, Leah <LJanus@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>
Subject: FICO v. Federal - Depositions

CAUTION - External.

Heather,

We are working on obtaining the available dates for Claudio Ghislanzoni, Mike Schraer, and Ewen Setti. At this time, we do not anticipate calling Stuart Fisher or Chase McCarthy as trial witnesses, and therefore, will not be seeking their availability for deposition. Finally, we will respond with respect to the Nancy Verduin deposition in the near future.

Terry



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Shareholder

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